Nebraska Department of Health and Human Services
Division of Public Health

Request for Applications

Nebraska Reproductive Health
Lifespan Health Services

TITLE X FAMILY PLANNING SERVICES
NORTHEAST NEBRASKA

Date of Issuance: February 17, 2012

Applications Due: April 2, 2012, 5:00 p.m. CT

Issuing Office: Lifespan Health Services
Nebraska Reproductive Health
Nebraska Department of Health and Human Services
301 Centennial Mall South, P.O. Box 95026
Lincoln, NE 68509-5026

TITLE X FAMILY PLANNING PROGRAM
STATE OF NEBRASKA
REQUEST FOR APPLICATIONS
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SECTION I. OVERVIEW

A. Purpose of Request for Applications

This Request for Applications (RFA), issued by the Nebraska Department of Health and Human Services Division of Public Health, Lifespan Health Services, Nebraska Reproductive Health seeks applications from qualified entities that will provide family planning services in Northeast Nebraska. Such services will be provided in accordance with Federal Title X Family Planning Services statutes, regulations and guidelines, other applicable federal statutes, regulations and circulars and Nebraska State Laws and administrative guidance. Nebraska Counties identified for this RFA are ***Antelope, Burt, Butler, Cedar, Cuming, Dakota, Dixon, Dodge, Knox, Madison, Pierce, Polk, Saunders, Stanton, Thurston, Washington, and Wayne.***

Through this RFA, the Department will award a total of approximately $300,000.00 in Title X funds and $26,000.00 in Title V Maternal and Child Health Services funds per 12 month period. The amount of funding will be dependent on several factors, including the number and quality of proposals received, the geographic areas proposed, and the specific work plans and budgets of individual proposals. In the future, once a selected delegate agency is considered "established" the delegate will fall under the funding formula established by Nebraska Reproductive Health. The Title X Family Planning funding formula considers base costs, number of sites, and numbers and proportion of low-income patients served. The Title V Maternal and Child Health Services funds are allocated proportionately based on each delegates % of the total Title X grant funds awarded.

The term of the sub-grants resulting from this competition will be no less than 3 years. The term will coincide with the federal award period granted to the Nebraska Department of Health and Human Services which concludes for this Grant Cycle in June 2015. The initial funding period will begin June 1, 2012 and continue through June 29, 2013. Annual, non-competing funding period awards will be made for one year periods June 30, 2013 through June 29, 2015 for project(s) demonstrating satisfactory performance and submitting acceptable continuation proposals. Awards made during the initial and subsequent periods are dependent on the availability of federal funds.

The intention is to fund project(s) that demonstrate capacity to provide family planning and other related reproductive health services to low income persons and education on reproductive health topics to community groups.

B. Background

The Nebraska Department of Health and Human Services Division of Public Health is the recipient of federal Title X Family Planning Services grant funds. In addition, the Department is the recipient of Title V Maternal and Child Health Services funds, with a portion then allocated to Nebraska Reproductive Health. The Department in turn subgrants these funds to community-based providers or "delegates" to provide reproductive health services. These delegates are required to prioritize services to low-income persons. The delegates provide education, counseling and comprehensive medical and social services necessary to enable individuals to freely determine the number and spacing of their children, and by doing so, help reduce maternal and infant mortality, promote the health of mothers and children, prevent child abuse, prevent adolescent pregnancy, reduce unintended pregnancies, and reduce rates of sexually transmitted diseases.

Reproductive health services (including pharmaceuticals) must be provided at no charge to individuals at or below 100% of the federal poverty guidelines. All Title X Family Planning services must be provided on a proportional sliding fee scale to those individuals from 101% up to 250% of the federal poverty guidelines. The lowest segment of the scale would optimally be set at 20% of full fee but be no more than 33%. Potential delegates will be given preference if, historically or through projection, 50% or more of their clients are ≤ 150% of federal poverty guidelines. Programs must also bill Medicaid and other 3rd party payers, whenever possible. All program generated funds related to the Title X and Title V family planning program must be used to further the family planning goals and objectives.

Reproductive health services to be provided include: physical assessment, breast exam, blood pressure, hemoglobin or hematocrit, pap smear, sexually transmitted disease (STD) testing and treatment, pregnancy testing, education, counseling and appropriate referral and follow-up. Preconception education and infertility counseling and referral are also to be provided, as well as information and education on DES, Rubella, STDs, smoking, drugs and alcohol, breast self-exam and abnormal pap smears. Education to community groups should include but not be limited to these topics: abstinence, birth control methods, sexual decision making, parental involvement, resisting sexual coercion, sexually transmitted diseases, puberty, and other topics related to family planing and sexual decisions and health.

The mission of Nebraska Reproductive Health, which guides the use of the Title X Family Planning Services funds and the allocated Title V funds, is to provide comprehensive, quality and cost-effective reproductive health services to individuals in targeted areas. Individuals receiving services may reside outside of the target area.

This RFA is for the solicitation of proposals to assure the delivery of Title X Family Planning Services throughout northeast Nebraska. Entities submitting proposals are to describe the geographic area (counties) for which they propose to provide services.

C. Federal and State Priorities for Services

The Federal Title X Family Planning Priorities that must be incorporated into program planning and delivery are:

Fiscal Year 2012 Program Priorities

1. Assuring the delivery of quality family planning and related preventive health services, where evidence exists that those services should lead to improvement in the overall health of individuals, with priority for services to individuals from low-income families;

2. Expanding access to a broad range of acceptable and effective family planning methods and related preventive health services that include natural family planning methods, infertility services, and services for adolescents, emphasizing the important role Title X plays in teen pregnancy prevention. The broad range of services does not include abortion as a method of family planning;

3. Providing preventive health care services in accordance with nationally recognized standards of care. This includes, but is not limited to, breast and cervical cancer screening and prevention services; sexually transmitted disease (STD) and HIV prevention education, testing, and referral; and, other related preventive health services;

4. Emphasizing the importance of counseling family planning clients on establishing a reproductive life plan, and providing preconception counseling as a part of family planning services, as appropriate;

5. Addressing the comprehensive family planning and other health needs of individuals, families, and communities through outreach to hard-to-reach and/or vulnerable populations, and partnering with other community-based health and social service providers that provide needed services.

6. Identifying specific strategies for addressing the provisions of health care reform ("The Patient Protection and Affordable Care Act"), and for adapting delivery of family planning and reproductive health services to a changing health care environment, and assisting clients with navigating the changing health care system. This includes, but is not limited to, enhancing the ability of Title X clinics to bill third party payers, private insurance, and Medicaid.

As a condition of receiving Title V Maternal and Child Health Services funds, the Department conducts a comprehensive needs assessment every five years, and identifies priority maternal and child health needs. The most recent assessment was completed in 2010 and the following priorities were identified. Respondents to this RFA should consider the priorities of relevance to reproductive health services and community education.

- Increase the prevalence of the MCH/CSHCN population who are physically active, eating healthy, and are at a healthy weight.

- Improve the reproductive health of youth and women by decreasing the rates of STD's and unintended pregnancies.

- Reduce the impact of poverty on infants/children including food insecurity.

- Reduce the health disparities gap in infant health status and outcomes.

- Increase access to oral health care for children and CSHCN.

- Reduce the rates of abuse and neglect of infants and CSHCN.

- Reduce alcohol use and binge drinking among youth.

- Increase quality of and access to perinatal health services, including pre/interconception health care, prenatal care, labor and delivery services, and postpartum care.

- Increase the prevalence of infants who breastfeed exclusively through six months of age.

- Increase access to Medical Homes for CSHCN particularly for those with functional limitations.

D. Eligibility Requirements

Applicants must meet all of the following minimum qualifications to be eligible to respond to this RFA and to receive funds:

1. Be a Nebraska public or private non-profit organization.

2. For respondents claiming private non-profit status, provide with the application either a certification from the State of Nebraska, Office of Secretary of State or a letter from the Department of Treasury, Internal Revenue Service (IRS).

3. Federally Recognized Native American Tribes headquartered in Nebraska are not eligible to apply under this RFA. A set-aside for Nebraska Tribes has a separate application process. For information about this process call Julie Reno at 402-471-0163.

E. Developing the Application

The Department, the Unit, and the Program believe that collaboration and community involvement are important in the planning and delivery of public health programs. Diverse representation, participation and leadership is crucial to assure that the views, perspectives and needs of community members are represented. Entities responding to this RFA should strive to collaborate with a broad cross-section of community representatives. In a collaboration focused on reproductive health services these representatives must include physicians**,** other public health agencies and programs, social services, community action agencies, pharmacists, substance abuse and domestic violence programs, minority health providers and advocates, hospital and health center representatives, and private citizens.

F. RFA Timeline

Issuance of RFA	February 17, 2012
Deadline for submission of written questions	February 27, 2012
Applications due	**April 2, 2012 5:00 pm CT**
Award notices/denials sent to respondents	≈ May1, 2012
Effective date of sub-grant award	June 1, 2012

Details on submission of the application are found in SECTION III.

G. Questions and Requests for Information

From the date the RFA is issued until a determination is made and announced regarding the selection of subgrantee(s), contact between potential subgrantees and individuals employed by the Department regarding the RFA is restricted only to written communication with the staff designated as the point of contact in this RFA.

Responses to questions will be on the Lifespan Health Services website at: http://www.dhhs.ne.gov/ReproductiveHealth. The questions and answers will be posted on the site 72 hours after the deadline of February 27, 2012.

Submit questions and requests for information to Julie Reno in writing by one of the following methods (listed in order of preference) and clearly marked "**Title X Family Planning Services, Nebraska":**

E-mail: julie.reno@nebraska.gov

Fax: (402) 471-1541

Mail: **Julie Reno**
Lifespan Health Services
Nebraska Department of Health and Human Services
301 Centennial Mall South, P.O. Box 95026
Lincoln, NE 68509-5026

Faxed questions must include a cover sheet clearly indicating the number of pages transmitted. Faxes must also reference the RFA for the Title X Family Planning Services grant program on the cover sheet. The State assumes no liability for assuring accurate or complete fax transmission or receipt.

H. Application Review Process

1. Review for Compliance with Minimal Application Requirements and Scoring

Each application that complies with the Minimal Application Requirements outlined in Section III(B) will be evaluated and scored by a review committee on a scale of 0 to 100 points. Applications will then be ranked and forwarded to the Director/Chief Medical Officer of the Nebraska Department of Health and Human Services Division of Public Health for consideration and a decision on funding.
The criteria for scoring applications:

SECTION/CRITERIA	MAXIMUM POINTS
NARRATIVE AND WORK PLAN • Adequacy of needs assessment in identifying reproductive health needs of low income persons in target area • Degree to which proposal addresses these identified needs • Number of patients, particularly low income patients, to be served • Degree to which proposal addresses Title X and other federal and state requirements, including geographic access • Level of collaboration with community partners	40
APPLICANT CAPACITY • Adequacy of facilities and staff for delivering proposed services • Capacity of entity to make rapid and effective use of federal funds • History of successfully providing services and administering programs, especially to low income individuals • Ability to bill and collect patient fees, including third party payments	30
BUDGET AND BUDGET JUSTIFICATION • Reasonableness of costs in relationship to proposed services and costs are allowable • Relative availability of non-federal resources and the degree to which resources are committed to the proposed services, including projected program income • Complete justification of costs that demonstrates the applicants knowledge and ability to use the funds effectively	30
TOTAL	100

2. Review of Applicant Capacity

As part of the scoring and selection process, the Department will assess an entity’s capacity to provide reproductive health services to low income persons, provide education to community groups, and submit timely and accurate reports, invoices and fiscal documentation. The Department reserves the right to consider an entity’s performance in current and/or prior grants, contracts, cooperative agreements, or subcontracts with the Department or other State of Nebraska agencies.

3. Geographic Access

The Department will consider geographic access in making final funding decisions. The Department reserves the right to fund more than one entity in the 17 county geographic area if deemed necessary to assure adequate level of service to all target populations in that area. The Department also reserves the right to modify a proposed service area in circumstances where otherwise acceptable proposals have overlapping or redundant proposed service areas not necessary to serve target populations.

4. Notification of Decision

Each entity submitting an application, whether selected for funding or denied, will be notified in writing of the funding decision. Applicants may receive, upon written request directed to the Program the consensus review tool summary page for their proposal, which provides the score and overall strengths and weaknesses of their proposal.

5. Conditions

Award notices may be tentative, pending satisfactory resolution of conditions. A tentative award letter will be accompanied by a description of conditions, actions needed to remove those conditions, and the required time frame. Should the conditions not be met satisfactorily within the given time frame, the Department reserves the right to rescind the award. Expenses against the tentative award cannot be incurred after 30 days of receipt of the notice that the award is being rescinded.

SECTION II. SCOPE OF WORK

Applications are being solicited for the provision of Title X Family Planning and related reproductive health services.

A. Required Services and other Mandates

Federally required Title X Family Planning Services are prescribed by Title X Population Research and Voluntary Family Planning Programs (statute) Attachment 1, 45CFR59 Grants for Family Planning Services Subpart A (implementing regulations) Attachment 2, and Program Guidelines For Project Grants For Family Planning Services United States Department of Health and Human Services Office of Public Health and Science Office of Population Affairs Office of Family Planning, January 2001 (federal guidance). Applications must address capacity and plans to provide required services. In addition, applications must address applicable State of Nebraska statutes and regulations that in turn govern the provision of these services. The authorizing statute, regulations, and Program Guidelines are available on the Nebraska DHHS website at http://www.dhhs.ne.gov/ReproductiveHealth for download.

Federally Required Services

For detailed information refer to the Program Guidelines For Project Grants For Family Planning Services United States Department of Health and Human Services Office of Public Health and Science Office of Population Affairs Office of Family Planning, January 2001 which is available as a separate document on the DHHS website with the RFA announcement.

1. Client Education – Delegates must have written plans for client education; See section 8.1, for content and specific instructions on Method-Specific Informed Consent.
2. Counseling, including Method Counseling and Sexually Transmitted Disease (STD) and HIV Counseling; See section 8.2.
3. History, Physical Assessment, and Laboratory Testing; See section 8.3 for details, including required laboratory procedures.
4. Fertility Regulation – Delegates must comply with the guidance in section 8.4 regarding Contraception.
5. Infertility Services – Delegates must provide Level I services as described in section 8.5 and may optionally provide Level II as part of their Title X program.
6. Pregnancy Diagnosis and Counseling – See section 8.6 for details, including requirements for neutral, factual information and nondirective counseling for pregnant women on the following options: prenatal care and delivery; infant care, foster care, or adoption; and pregnancy termination.
7. Adolescent Services – Section 8.7 outlines requirements for counseling and education, confidentiality, family involvement, and resisting coercion.
8. Identification of Estrogen-Exposed Offspring – As part of the medical history, clients born between 1940 and 1970 should be asked if their mothers took estrogens during their pregnancies, with those exposed receiving appropriate follow-up as per section 8.8.

These federally required services must be delivered in accordance with federal and state requirements for licenses, certifications, and permits as applicable. These include, but are not limited to:

- Clinical Laboratory Information Act of 1988 (CLIA) – federal requirements for laboratory services
- 175NAC7 – State of Nebraska regulations for health clinics
- 175NAC8 – State of Nebraska regulations for pharmacies
- 175NAC134 – State of Nebraska regulations for Public Health Clinics Operating with a Drug Dispensing Permit

Furthermore, clinicians providing services shall perform those services within their scope of practice and have current State of Nebraska licenses as applicable. Each Delegate must have a qualified project director and a medical director, as described in section 6.5 of the program guidelines.

<u>Other Federal Requirements</u>

In addition to required clinical services, Title X Family Planning delegates must comply with federal requirements for Financial Management, Facilities and Accessibility of Services, Personnel, Training and Technical Assistance, Reporting Requirements, Review and Approval of Informational and Educational Materials, Community Participation, Education, and Project Promotion, Publications and Copyright, and Inventions or Discoveries, as described in sections 6.1 to 6.11 of Program Guidelines. Delegates must assure clinic management policies and procedures meet the requirements described in sections 10.1 to 10.4 of the Program Guidelines.

Included in the Financial Management requirements cited above are requirements specific to Charges, Billing and Collections. Because Title X Family Planning Services are targeted to low income persons, clients must not be denied project services or be subjected to any variation in quality of services because of the inability to pay. Title X Family Planning Services must be provided at no charge to individuals with incomes at or below 100% of the federal poverty guidelines. Charges for other patients must be based on a <u>cost analysis</u> of all services provided by the project. A <u>schedule of discounts</u> must be developed and implemented with sufficient proportional increments so that inability to pay is never a barrier to services for those patients with incomes from 101% of the federal poverty guidelines up to 250%. The lowest segment of the scale would optimally be set at 20% of full fee but be no more than 33%. Programs must demonstrate the ability to track and collect funds and must be able to insure that funds collected as a result of receiving an award are used in the family planning program. Further details on charges, billings and collections are found in section 6.3 of Program Guidelines (January 2001).

Included in the Review and Approval of Informational and Educational Materials section also cited above is the requirement for an advisory committee to review all informational and educational materials. Delegate(s) chosen through this RFA must establish an advisory committee of five to nine members in accordance with this requirement.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is applicable to health plans, hospitals, physicians and other health providers, including Title X Family Planning providers, known as "covered entities." HIPAA regulations cover privacy, security and transaction codes.

Further guidance on interpreting statutory requirements that no Title X funds be used in programs for which abortion is a method of family planning can be found in the Federal Register, Vol. 65, No. 128, July 3, 2000, Notices.

<u>Nebraska Reproductive Health Requirements</u>

Detailed guidance for the provision of family planning services through Nebraska Reproductive Health is provided in the manual Title X Administrative and Clinical Policies, Procedures and Protocols. It is available upon written request. See Section I (G) page 4 of this RFA for instructions for requesting information. These manuals incorporate federal requirements cited above as well as state-specific requirements.

In addition to compliance with the above policies and procedures, Nebraska Reproductive Health expects delegates to plan and deliver programs that meet the needs of low income persons in their communities. To do so, entities submitting application are to provide a summary of assessed needs and goals and objectives for addressing those needs. See Section IIIB later in this RFA for further details.

To assure high quality and cost effective STD testing, chlamydia screening is to be performed in accordance with Region VII Infertility Prevention Project Chlamydia Screening Guidelines, found as Attachment 3. Detailed guidance is available in the Screening and Treatment Guidelines, available upon request.

To maximize Title X Family Planning Services funds, delegates are to be enrolled Medicaid providers. Further, Title X Family Planning programs are eligible to purchase drugs at reduced price through the Health Resources Services Administration, Health Systems Bureau, Office of Pharmacy Affairs, 340B Drug Pricing Program. Delegate(s) selected through this RFA will be enrolled in this program by the Department and provided detailed guidance on its use.

To assure geographic access in the 17 county area to the greatest numbers of potential users of family planning services, entities are strongly encouraged to provide services in population centers within their proposed geographic areas. Preference will be given to entities proposing that all clinical services are provided at any given site (health history, exam, and pharmacy), therefore reducing barriers to services or reducing barriers through innovative service options particularly in areas of the state considered “frontier”.

Preference will be given to entities with services in identified medically underserved areas, culturally and ethnically diverse communities and with particular attention to serving low income clients.

Entities may propose other sites, either in addition to or in place of these sites, but with clear rationale and justification. See Section III for details of application content/format.

<u>Terms and Assurances</u>

Delegate(s) chosen through this RFA process are legally required to comply with the Nebraska DHHS General Terms and Assurances, Audit Requirement Certification, Sub-recipient Reporting Worksheet, Title X Assurances of Compliance, and the Assurance of Adherence to Nebraska Reporting Requirements all found in Attachments 4 thru 9. Any questions about the content should be addressed prior to signing and submitting the application.

B. General Expectations for Applications

1. Projects must involve members of the target community in the planning and implementation of work plan activities.

2. Proposed budget must be reasonable for the proposed quantity and quality of activities in the work plan. A Budget Justification must be included following the proposed budget.

3. The Department reserves the right to withdraw any award if a satisfactory response to conditions has not been received by the Department within 30 calendar days of notice to the Subgrantee by the Department.

4. The Department will not reimburse expenses associated with preparing and submitting a proposal.

5. The Department reserves the right to withdraw any award or negotiate the Scope of Work of any proposed project or proposed project components.

6. The entity submitting a proposal certifies that it has appropriate systems and controls in place to ensure that federal funds will not be used in the performance of this grant for the acquisition, operation or maintenance of computer software in violation of copyright laws.

7. Upon receipt of an acceptable response to conditions, the Department will send to each Delegate a final award letter. This award will incorporate by reference the RFA, the Delegate's proposal, and the Delegate's response to the conditions.

C. Additional Post-award Expectations

1. Delegates are to expend funds in accordance with the approved line item budget. If changes in line items exceed 10% of the award or if staffing patterns need to be changed, the Delegates must request in advance, a budget revision or a grant amendment depending on what in the budget needs to be changed. It is up to the discretion of the Department whether or not to approve the requested budget revision or award amendment.

2. Six equal payments of Title X and Title V funds will be made to the delegate every other month in anticipation of expenses to be incurred in the upcoming two month period. These payments will be one sixth of the annual awarded amounts for each federal source. In turn, the Delegate is to submit an expenditure report by revenue source, including both federal sources, program income, and in-kind, by the 30th of the month following the two month period for which payment was made. The reports of expenditures will be reviewed to determine if allowable, allocable, and reasonable, and that procedures were maintained to minimize the time elapsing between the payment of funds and their disbursement by the delegate in accordance with 45CFR92. Any unallowable costs identified will result in adjustments in future payments. All payments are subject to the availability of federal funds.

3. Delegates are to be knowledgeable of and utilize standard payroll practices including State and Federal tax withholding requirements.

4. Delegates are to maintain accounting records of actual expenditures. The records include but are not limited to: Accounting books, ledgers, documents, payroll records, including signed timesheets, etc., following standard accounting procedures and practices that properly reflect all direct and indirect expenses related to this grant award. These records shall be kept and made available for three (3) years from the date of the final payment.

5. Delegates' financial statements are subject to an audit performed by a licensed certified public accountant. The audited financial statements and federally-required reports, if needed, must be submitted to the Department within nine (9) months following the close of the Delegate's fiscal year. The audit expense is proportionately reimbursable from the grant funds. Therefore, the cost should be included in the proposed budget.

6. Delegates are to maintain accurate records regarding the program and submit required reports. Specific reporting requirements are outlined in Attachment 8.

7. Delegates are to be aware that the Department may withhold payment of invoices for lack of documented and/or timely progress, as well as any apparent non-compliance with grant requirements.

8. If not included with its proposal, within 30 days of notice of award, delegate(s) selected through this RFA are to submit to the Department the following:
   - Referral list (those agencies and providers to which Title X Family Planning patients in the target area will be referred for needed services not provided by delegate)
   - Schedule of Discounts and Fee schedule

9. If not included with its application, within 60 days of notice of award, delegate(s) selected through this RFA are to submit administrative and clinical policies and procedures, including those for billing and collections and those for cost analysis and fee determination.

D. Use of Funds

Title X Family Planning Services funds are to be used for allowable, reasonable and allocable costs to provide Title X Family Planning services. Title V Maternal and Child Health Services funds are to be expended to support community education activities. OMB Circulars A-21, A-87, and A-122 provide guidance on cost principles for federal funds and may be found at www.whitehouse.gov/OMB/circulars/index.html.

Grant related program income is required and must be used to further the program and cannot be used for another program. All program income must be either expended during the grant year or carried forward and accounted for on the next year's budget and expenditure reports. Federal grant funds and grant related program income cannot be used for costs associated with fund raising events. Grant related program income is income from any non-Federal source, including, but not limited to: income from fees for services performed (patient fees and third party reimbursements; Medicaid and Medicare reimbursements are considered program income, not direct federal resources), voluntary donations, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, and license fees and royalties on patents and copyrights.

Funding will be granted using a funding formula. Attachment 14 provides a synopsis of the current funding formula. Funds allocated to Native American Tribes are from set aside funds.

SECTION III. APPLICATION REQUIREMENTS

A. General Instructions

Read all instructions carefully. Applications must address all the application and submission requirements set forth in this RFA. Applications will be evaluated on overall quality of content and responsiveness to the purpose and specifications of this RFA. Only those applications that include complete information as required by this RFA will be considered for evaluation. Throughout the following instructions, “you” and “your” refer to the entity submitting a proposal.

> **NOTE*: In submitting an application, an entity agrees that the Department is authorized to verify any claimed information. All applications received by the Department are subject to the provisions of the public records act and are not considered confidential after completion of the selection process.***

1. **INSURANCE REQUIREMENTS**
   The sub-grantee shall not commence work under this sub-grant until he or she has obtained all the insurance required hereunder and such insurance has been approved by the State. If sub-grantee will be utilizing any contractors, the contractor is responsible for obtaining the certificate(s) of insurance required herein under from any and all contractor(s). Sub-grantee is also responsible for ensuring contractor(s) maintain the insurance required until completion of the contract requirements. The sub-grantee shall not allow any contractor to commence work on his or her contract until all similar insurance required of the contractor has been obtained and approved by the contractor. Approval of the insurance by the State shall not limit, relieve or decrease the liability of the sub-grantee hereunder.

   If by the terms of any insurance a mandatory deductible is required, or if the sub-grantee elects to increase the mandatory deductible amount, the sub-grantee shall be responsible for payment of the amount of the deductible in the event of a paid claim.

   a. **WORKERS’ COMPENSATION INSURANCE**
      The subgrantee shall take out and maintain during the life of this subgrant the statutory Workers’ Compensation and Employer's Liability Insurance for all of the contactors’ employees to be engaged in work on the project under this subgrant and, in case any such work is sublet, the subgrantee shall require the subcontractor similarly to provide Worker's Compensation and Employer's Liability Insurance for all of the subcontractor’s employees to be engaged in such work. This policy shall be written to meet the statutory requirements for the state in which the work is to be performed, including Occupational Disease. This policy shall include a waiver of subrogation in favor of the State. The amounts of such insurance shall not be less than the limits stated hereinafter.

   b. **COMMERCIAL GENERAL LIABILITY INSURANCE AND COMMERCIAL AUTOMOBILE LIABILITY INSURANCE**
      The sub-grantee shall take out and maintain during the life of this sub-grant such Commercial General Liability Insurance and Commercial Automobile Liability Insurance as shall protect sub-grantee and any contractor performing work covered by this sub-grant from claims for damages for bodily injury, including death, as well as from claims for property damage, which may arise from operations under this sub-grant, whether such operation be by the contractor or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than limits stated hereinafter.

The Commercial General Liability Insurance shall be written on an occurrence basis, and provide Premises/Operations, Products/Completed Operations, Independent Contractors, Personal Injury and Contractual Liability coverage. The policy shall include the State, and others as required by the contract documents, as an Additional Insured. This policy shall be primary, and any insurance or self-insurance carried by the State shall be considered excess and non-contributory. The Commercial Automobile Liability Insurance shall be written to cover all Owned, Non-owned and Hired vehicles.

c. INSURANCE COVERAGE AMOUNTS REQUIRED

1. Workers' Compensation and Employer's Liability

Coverage A	Statutory
Coverage B	
Bodily Injury by Accident	$100,000 each accident
Bodily Injury by Disease	$500,000 policy limit
Bodily Injury by Disease	$100,000 each employee

2. Commercial General Liability

General Aggregate	$2,000,000
Products/Completed Operations Aggregate	$2,000,000
Personal/Advertising Injury	$1,000,000 any one person
Bodily Injury/Property Damage	$1,000,000 per occurrence
Fire Damage	$50,000 any one fire
Medical Payments	$5,000 any one person

3. Commercial Automobile Liability

Bodily Injury/Property Damage	$1,000,000 combined single limit

d. EVIDENCE OF COVERAGE

Upon request, the Subgrantee should be able to furnish DHHS with a certificate of shall be responsible for all reasonable costs properly attributable thereto. insurance coverage complying with the above requirements. These certificates shall include the name of the company, policy numbers, effective dates, dates of expiration and amounts and types of coverage afforded. If the State is damaged by the failure of the sub-grantee to maintain such insurance, then the sub-grantee

2. INDEPENDENT CONTRACTOR

It is agreed that nothing contained herein is intended or should be construed in any manner as creating or establishing the relationship of partners between the parties hereto. The sub-grant represents that it has, or will secure at its own expense, all personnel required to perform the services under the sub-grant . The sub-grantee's employees and other persons engaged in work or services required by the sub-grantee under the sub-grant shall have no contractual relationship with the State; they shall not be considered employees of the State.

All claims on behalf of any person arising out of employment or alleged employment (including without limit claims of discrimination against the sub-grantee, its officers or its agents) shall in no way be the responsibility of the State. The sub-grantee will hold the State harmless from any and all such claims. Such personnel or other persons shall not require nor be entitled to any compensation, rights or benefits from the State including without limit, tenure rights, medical and hospital care, sick and vacation leave, severance pay or retirement benefits.

3. STATE OF NEBRASKA PERSONNEL RECRUITMENT PROHIBITION

The sub-grantee shall not, at any time, recruit or employ any State employee or agent who has worked on the Request for Application or project, or who had any influence on decisions affecting the Request for Application or project.

4. CONFLICT OF INTEREST

By submitting a application, applicant certifies that there does not now exist any relationship between the applicant and any person or entity which is or gives the appearance of a conflict of interest related to this Request for Application or project.

The applicant certifies that it shall not take any action or acquire any interest, either directly or indirectly, which will conflict in any manner or degree with the performance of its services hereunder or which creates an actual or appearance of conflict of interest.

The applicant certifies that it will not employ any individual known by applicant to have a conflict of interest.

5. PROPRIETARY INFORMATION

Data contained in the application and all documentation provided therein, become the property of the State of Nebraska and the data becomes public information upon opening the application. If the applicant wishes to have any information withheld from the public, such information must fall within the definition of proprietary information contained within Nebraska's public record statutes. All proprietary information the applicant wishes the State to withhold must be submitted in a sealed package, which is separate from the remainder of the application. The separate package must be clearly marked PROPRIETARY on the outside of the package. Applicants may not mark their entire Request for Application as proprietary. Applicant's cost applications may not be marked as proprietary information. Failure of the applicant to follow the instructions for submitting proprietary and copyrighted information may result in the information being viewed by other applicants and the public. Proprietary information is defined as trade secrets, academic and scientific research work which is in progress and unpublished, and other information which if released would give advantage to business competitors and serve no public purpose (see Neb. Rev. Stat. §84-712.05(3)). In accordance with Attorney General Opinions 92068 and 97033, applicants submitting information as proprietary may be required to prove specific, named competitor(s) who would be advantaged by release of the information and the specific advantage the competitor(s) would receive. Although every effort will be made to withhold information that is properly submitted as proprietary and meets the State's definition of proprietary information, the State is under no obligation to maintain the confidentiality of proprietary information and accepts no liability for the release of such information.

6. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION/COLLUSIVE BIDDING

By submission of this application, the applicant certifies, that he or she is the party making the foregoing application that the application is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the application is genuine and not collusive or sham; that the applicant has not directly or indirectly induced or solicited any other applicant to put in a false or sham application, and has not directly or indirectly colluded, conspired, connived, or agreed with any applicant or anyone else to put in a sham application, or that anyone shall refrain from bidding; that the applicant has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the application price of the applicant or any other applicant, or to fix any overhead, profit, or cost element of the application price, or of that of any other applicant, or to secure any advantage against the public body awarding the sub-grant of anyone interested in the proposed sub-grant; that all statements contained in the application are true; and further that the applicant has not, directly or indirectly, submitted his or her application price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, application depository, or to any member or agent thereof to effectuate a collusive or sham application.

7. ETHICS IN PUBLIC CONTRACTING

No applicant shall pay or offer to pay, either directly or indirectly, any fee, commission compensation, gift, gratuity, or anything of value to any State officer, legislator or employee based on the understanding that the receiving person's vote, actions or judgment will be influenced thereby. No applicant shall give any item of value to any employee of the State Purchasing Bureau.

Applicants shall be prohibited from utilizing the services of lobbyists, attorneys, political activists, or consultants to secure the sub-grant. It is the intent of this provision to assure that the prohibition of state contact during the procurement process is not subverted through the use of lobbyists, attorneys, political activists, or consultants. It is the intent of the State that the process of evaluation of applications and award of the sub-grant be completed without external influence. It is not the intent of this section to prohibit applicants from seeking professional advice, for example consulting legal counsel, regarding terms and conditions of this Request for Application or the format or content of their application.

If the applicant is found to be in non-compliance with this section of the Request for Application, they may forfeit the sub-grant if awarded to them or be disqualified from the selection process

8. DISASTER RECOVERY/BACK UP PLAN

The sub-grantee shall have a disaster recovery and back-up plan, of which a copy should be provided to the State upon request, which includes, but is not limited to equipment, personnel, facilities, and transportation, in order to continue services as specified under these specifications in the event of a disaster.

B. Minimum Application Requirements

All applications must include the items listed in this Section. Assemble all materials in the order listed below. Page limits and samples are noted, when relevant. Unless otherwise specified, no particular form is required.

1. **Application Cover Sheet**
   Complete all sections of the Application Cover Sheet (Attachment 10), and provide the signature of your organization's legally authorized official. The Cover sheet should be the top page of the application.

2. **Table of Contents**
   Include a Table of Contents that provides page numbers for the headings that follow in this Section (III (B) 3 through 8).

3. **Project Narrative** (25 page maximum)
   The Narrative is to be a twenty-five pages (or less) overview of the application project. The purpose of the Narrative is to give reviewers a general understanding of needs to be addressed and the services being proposed. The narrative shall address:

   a) <u>Needs Assessment</u> – Indicate which county or counties for which services are to be provided, and summarize your assessment of the needs of low income persons in the county or counties for reproductive health services. This assessment should be based on data collected by your organization, on assessments made by your community or community collaborators, published state and national data, and other sources. This needs assessment is to be inclusive of at-risk populations, including but not limited to low income persons, racial/ethnic minorities, persons with limited English proficiency, persons with disabilities, homeless and incarcerated persons, adolescents, and victims of domestic violence. The needs assessment must conclude with your determination of the highest priority needs for reproductive health services in your targeted area.

   b) <u>Proposed Services</u> – Provide an overview of your application to meet the priority needs identified through the needs assessment. This description should include geographic area to be served, locations where services will be provided, and how they will be organized. Include details on hours of operation, the services to be provided at each location, and methods for assuring federal and state requirements will be met. Include rationale for selection of primary and satellite site(s). Indicate the projected number of persons to be served by site, broken down by numbers at or below 100% of the federal poverty level and numbers of persons from 101% to 150% and 151% up to 250% of the federal poverty level. Community collaborators should be identified, as well as any proposed contractors.

4. **Work Plan**

   Use the work plan form found as Attachment 12 to display your proposed goal(s), objectives and activities for family planning and related reproductive health services. For entities not currently a Title X delegate or delegates that are not currently providing services in the targeted areas, the work plan should reflect what you determine to be key start up activities and realistic time frames for full operation. Goals and objectives should be reflective of your community needs assessment, program requirements, and identified priorities. Action steps should provide enough detail to assure reviewers that you have a clear understanding of and plan for delivering high quality family planning and related reproductive health services.

5. **Capacity to Provide Services**

Complete Attachment 11, describing your capacity to carry out the project. For those activities to be carried out by a contractor, complete a separate form for that contractor. Be reminded, though, that only the Delegate(s) selected through this competition is to carry out financial management and project oversight activities.

6. **Project Budget and Budget Justification**

Use the Budget Template (Attachment 13) to display the budget for the proposed project. Show detail by revenue source Title X, Title V, Program Income, and In-kind. All revenue sources will be considered in evaluating and approving the budget.

Attach a separate budget justification that is provided in sufficient detail to support one-step below the object class category level for both federal grant funds and grant related program income. The budget categories are to reflect proposed costs for the following categories:

Salaries: For each staff position budgeted in the Budget Worksheet, include the title of the position, the FTE, annual salary, number of months salary requested, and a brief summary of the job description or responsibilities. For occupied positions, include name of staff person. If vacant, indicate as such.

Benefits: Describe computation used for estimating cost of benefits and itemize the components included in benefits (e.g., health insurance, FICA, life insurance, retirement plan, etc.).

Contracted Services: Descriptions of proposed contracts for project activities need to be included along with anticipated cost for each contract. Include descriptions of the following for each proposed contract: (a) Scope of Work, including tasks and deliverables; (b) time period of the contract; (c) person in your agency who will supervise or manage the contract, and (d) name of the contractor or if not yet known, what method will be used to select the contractor, e.g. solicitation of bids, sole source, etc.

Supplies: This category includes clinic supply list, list of contraceptives, office supplies, educational supplies, meeting supplies, and other materials necessary for carrying out the work proposed. Identify and explain by type of supply.

Travel: Include estimates of all travel relative to the Scope of Work proposed, including travel related to staff development. Describe in sufficient detail to understand purpose of travel and how cost was estimated.

Other: Describe costs for this category that includes items such as telephone, copying, printing, postage, mailing, publicity, publications, insurance, audits and accounting services, legal fees, marketing, and computer time directly related to this grant's activities.

Indirect Costs: Entities with a current approved indirect cost agreement with a federal or state agency may include indirect costs as a line item. A copy of the current agreement must be included in the budget documents. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the result achieved.

Because of the diverse characteristics and accounting practices of public and private non-profit entities, the types of cost which may be classified as indirect costs, cannot be specified in all situations. However, typical examples of indirect costs may include certain general administrative activities of the agency, accounting and personnel services performed within the agency, and the costs of operating and maintaining facilities.

In contrast, direct costs include:

1) Compensation of employees for the time devoted and identified specifically to the performance of this award.
2) Cost of materials acquired, consumed, or expended specifically for the purpose of the award.
3) Equipment specifically for the purpose of the award
4) Travel expenses incurred to carry out this grant.

7. Assurance Forms

The Application Cover Sheet, Terms and Assurances, Audit Requirement Certification, Sub-recipient Reporting Worksheet, Title X Assurances of Compliance and the Assurance of Adherence to Nebraska Reporting Requirements must be signed and dated by an official authorized to bind the agency. By signing the pages, the official verifies that the following statement is true: potential Delegate and its potential contractor(s) will abide by the Department's Sub-grant Terms and Assurances.

<u>Insert the Terms and Assurances, Audit Requirement Certification, Sub-recipient Reporting Worksheet, Title X Assurances of Compliance and the Assurance of Adherence to Nebraska Reporting Requirements immediately after the Sub-recipient Capacity Questionnaire form.</u>

8. Letters of Support

Applicants may attach letters of support from community partners or collaborators if deemed appropriate.

C. Preparation and Submission Instructions

- Use 8 1/2" x 11" white paper only, typed. Number each page of the application consecutively. The type font size is to be no less than 12 characters per inch, in an easy to read font such as New Times Roman. Page limits assume lines that are single-spaced.

- Submissions in response to the RFA must contain the application and all required supporting information in one package, <u>securely clipped</u>, not stapled, in the upper left corner. <u>NO FOLDERS OR BINDERS</u>.

- One original and four (4) copies of the application must be submitted.

- The Application Cover Sheet must be the top page of the application.

- Submission by fax, e-mail, or disk will <u>not</u> be accepted because original signatures are required on the Cover Sheet and Certifications.

- The application, original and four copies, must be received **on or before Monday, April 2, 2012 at 5:00 pm CT.** Additions or corrections will not be accepted after the closing date. Applicants are strongly encouraged to use registered mail or at least first-class mail. <u>Do not send third class or book rate</u>.

- Proof of mailing consists of one of the following three options through either the U.S. Postal Service or a commercial carrier:

1. U.S. Postal Service
    - ➢ A legibly dated U.S. Postal Service postmark printed or stamped on the envelope (NOTE: the U.S. Postal Services does <u>not</u> uniformly provide a dated postmark. Check with the local post office in advance before relying on this method of delivery).
    - ➢ A legible mail receipt with the <u>date</u> of mailing stamped by the U.S. Postal Service.
2. Commercial Carrier
    - ➢ A dated shipping label, invoice, or receipt from a commercial carrier, e.g. Federal Express.

- The following methods are not valid proof of mailing:
  - ➢ A private metered postmark
  - ➢ A mail receipt that is not dated by the U.S. Postal Service.

- <u>Keep a copy of the proof of mailing for your documentation</u>.

- Applications hand delivered or by courier services will be received during business hours (8:00 a.m. to 5:00 p.m. Monday – Friday, excluding state-observed holidays). Hand delivery or courier services will be received at the 3rd floor reception desk, DHHS, 301 Centennial Mall South, Nebraska State Office Building (NSOB), Lincoln, Nebraska. Applications hand delivered or by courier must be received at the NSOB no later than **5:00 p.m., Monday, April 2, 2012.**

- Omission of any required document or form, failure to use required formats or response, or failure to respond to any requirements may lead to rejecting the application prior to the review. **LATE APPLICATIONS WILL BE REJECTED.**

Applications are to be addressed to:

Julie Reno, Program Manager
Attn: Title X Family Planning Services, Nebraska
Lifespan Health Services
Nebraska Department of Health and Human Services
301 Centennial Mall South, P.O. Box 95026
Lincoln, NE 68509-5026

Attachment 1

TITLE X
POPULATION RESEARCH AND
VOLUNTARY FAMILY PLANNING PROGRAMS

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES
SEC. 1001 [300]

(a)The Secretary is authorized to make grants to and enter into contracts with public or nonprofit private entities to assist in the establishment and operation of voluntary family planning projects which shall offer a broad range of acceptable and effective family planning methods and services (including natural family planning methods, infertility services, and services for adolescents). To the extent practicable, entities which receive grants or contracts under this subsection shall encourage family [1] participation in projects assisted under this subsection.

(b)In making grants and contracts under this section the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant, and its capacity to make rapid and effective use of such assistance. Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.

(c)The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by the fair market value of any supplies or equipment furnished the grant recipient by the Secretary. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment on which the reduction of such grant is based. Such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

d)For the purpose of making grants and contracts under this section, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973, $111,500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $115,000,000 for fiscal year 1976; $115,000,000 for the fiscal year ending September 30, 1977;$136,400,000 for the fiscal year ending September 30, 1978; $200,000,000 for the fiscal year ending September 30, 1979; $230,000,000 for the fiscal year ending September 30, 1980; $264,500,000 for the fiscal year ending September 30, 1981; $126,510,000 for the fiscal year ending September 30, 1982; $139,200,000 for the fiscal year ending September 30, 1983; $150,030,000 for the fiscal year ending September 30, 1984; and $158,400,000 for the fiscal year ending September 30, 1985.

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[1] So in law. See section 931(b)(I) of Public Law 97-35 (95 Stat. 570). Probably should be "family".

FORMULA GRANTS TO STATES FOR FAMILY PLANNING SERVICES
SEC. 1002 [300a]

(a)The Secretary is authorized to make grants, from allotments made under subsection (b), to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services. No grant may be made to a State health authority under this section unless such authority has submitted, and had approved by the Secretary, a State plan for a coordinated and comprehensive program of family planning services.

(b)The sums appropriated to carry out the provisions of this section shall be
allotted to the States by the Secretary on the basis of the population and the
financial need of the respective States.

(c)For the purposes of this section, the term ''State'' includes the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, the District of Columbia, and the Trust Territory of the Pacific Islands.

(d)For the purpose of making grants under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971; $15,000,000 for the fiscal year ending June 30, 1972; and $20,000,000 for the fiscal year ending June 30, 1973.

TRAINING GRANTS AND CONTRACTS;
AUTHORIZATION OF APPROPRIATIONS
SEC. 1003 [300a-1]

(a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to provide the training for personnel to carry out family planning service programs described in section 1001 or 1002 of this title.

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; 3,000,000 each for the fiscal years ending June 30, 1974 and June 30, 1975; $4,000,000 for fiscal year ending 1976; $5,000,000 for the fiscal year ending September 30, 1977; $3,000,000 for the fiscal year ending September 30, 1978; 3,100,000 for the fiscal year ending September 30, 1979; $3,600,000 for the fiscal year ending September 30, 1980; $4,100,000 for the fiscal year ending September 30, 1981; $2,920,000 for the fiscal year ending September 30, 1982; 3,200,000 for the fiscal year ending September 30, 1983; $3,500,000 for the fiscal year ending September 30, 1984; and $3,500,000 for the fiscal year ending September 30, 1985.

RESEARCH
SEC. 1004 [300a-2]
The Secretary may -

(1) conduct, and

(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for, research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

INFORMATIONAL AND EDUCATIONAL MATERIALS
SEC. 1005 [300a-3]

(a) The Secretary is authorized to make grants to public or nonprofit private entities and to enter into contracts with public or private entities and individuals to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information (or materials).

(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $909,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; $2,000,000 for fiscal year 1976; $2,500,000 for the fiscal year ending September 30, 1977;

$600,000 for the fiscal year ending September 30, 1978; $700,000 for the fiscal year ending September 30, 1979; $805,000 for the fiscal year ending September 30, 1980; $926,000 for the fiscal year ending September 30, 1981; $570,000 for the fiscal year ending September 30, 1982; $600,000 for the fiscal year ending September 30, 1983; $670,000 for the fiscal year ending September 30, 1984; and $700,000 for the fiscal year ending September 30, 1985.

REGULATIONS AND PAYMENTS

SEC. 1006 [300a-4]

(a)Grants and contracts made under this subchapter shall be made in accordance with such regulations as the Secretary may promulgate. The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.

(b)Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

(c)A grant may be made or contract entered into under section 1001 or 1002 for a family planning service project or program only upon assurances satisfactory to the Secretary that--

(1) priority will be given in such project or program to the furnishing of such services to persons from low-income families; and

(2) no charge will be made in such project or program for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge.

For purposes of this subsection, the term ''low-income family'' shall be defined by the Secretary in accordance with such criteria as he may prescribe so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title.

(d)(1) A grant may be made or a contract entered into under section 1001 or 1005 only upon assurances satisfactory to the Secretary that informational or educational materials developed or made available under the grant or contract will be suitable for the purposes of this title and for the population or community to which they are to be made available, taking into account the educational and cultural background of the individuals to whom such materials are addressed and the standards of such population or community with respect to such materials.

(2) In the case of any grant or contract under section 1001, such assurances shall provide for the review and approval of the suitability of such materials, prior to their distribution, by an advisory committee established by the grantee or contractor in accordance with the Secretary's regulations. Such a committee shall include individuals broadly representative of the population or community to which the materials are to be made available.

VOLUNTARY PARTICIPATION

SEC. 1007 [300a-5]
The acceptance by any individual of family planning services or family planning or population growth information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such service or information.

PROHIBITION OF ABORTION
SEC. 1008 [1] [300a-6]
None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

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[1] Section 1009 was repealed by section 601(a)(1)(G) of Public Law 105-362 (112 Stat. 3285).

Attachment 2

Title X Family Planning Program Regulations

[Code of Federal Regulations]
[Title 42, Volume 1, Parts 1 to 399]
[Revised as of October 1, 2000]
From the U.S. Government Printing Office via GPO Access
[CITE: 42CFR59]

[Page 407-416]

TITLE 42--PUBLIC HEALTH

CHAPTER I--PUBLIC HEALTH SERVICE,
DEPARTMENT OF HEALTH AND
HUMAN SERVICES

PART 59--GRANTS FOR FAMILY PLANNING SERVICES

Subpart A--Project Grants for Family Planning Services

Sec.

Subpart A--Project Grants for Family Planning Services

Authority: 42 U.S.C. 300a-4.

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Source: 65 FR 41278, July 3, 2000, unless otherwise noted.

Sec. 59.1 To what programs do these regulations apply?

The regulations of this subpart are applicable to the award of grants under section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects. These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.2 Definitions.

As used in this subpart:

Act means the Public Health Service Act, as amended.

Family means a social unit composed of one person, or two or more persons living together, as a household.

Low income family means a family whose total annual income does not exceed 100 percent of the most recent Poverty Guidelines issued pursuant to 42 U.S.C. 9902(2). ``Low-income family'' also includes members of families whose annual family income exceeds this amount, but who, as determined by the project director, are unable, for good reasons, to pay for family planning services. For example, unemancipated minors who wish to receive services on a confidential basis must be considered on the basis of their own resources.

Nonprofit, as applied to any private agency, institution, or organization, means that no part of the entity's net earnings benefit, or may lawfully benefit, any private shareholder or individual.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

State includes, in addition to the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, the U.S. Outlying Islands (Midway, Wake, et al.), the Marshall Islands, the Federated State of Micronesia and the Republic of Palau.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.3 Who is eligible to apply for a family planning services grant?

Any public or nonprofit private entity in a State may apply for a grant under this subpart.

Sec. 59.4 How does one apply for a family planning services grant?

(a) Application for a grant under this subpart shall be made on an

authorized form.
(b) An individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including the regulations of this subpart, must sign the application.
(c) The application shall contain--
(1) A description, satisfactory to the Secretary, of the project and how it will meet the requirements of this subpart;
(2) A budget and justification of the amount of grant funds requested;
(3) A description of the standards and qualifications which will be required for all personnel and for all facilities to be used by the project; and
(4) Such other pertinent information as the Secretary may require.

Sec. 59.5 What requirements must be met by a family planning project?

(a) Each project supported under this part must:
(1) Provide a broad range of acceptable and effective medically approved family planning methods (including natural family planning methods) and services (including infertility services and services for adolescents). If an organization offers only a single method of family planning, it may participate as part of a project as long as the entire project offers a broad range of family planning services.
(2) Provide services without subjecting individuals to any coercion to accept services or to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and

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may not be made a prerequisite to eligibility for, or receipt of, any other services, assistance from or participation in any other program of the applicant.\1\

\1\ Section 205 of Pub. L. 94-63 states: ``Any (1) officer or employee of the United States, (2) officer or employee of any State, political subdivision of a State, or any other entity, which administers or supervises the administration of any program receiving Federal financial assistance, or (3) person who receives, under any program receiving Federal assistance, compensation for services, who coerces or endeavors to coerce any person to undergo an abortion or sterilization procedure by threatening such person with the loss of, or disqualification for the receipt of, any benefit or service under a program receiving Federal financial assistance shall be fined not more than $1,000 or imprisoned for not more than one year, or both.''
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(3) Provide services in a manner which protects the dignity of the individual.
(4) Provide services without regard to religion, race, color, national origin, handicapping condition, age, sex, number of pregnancies, or marital status.
(5) Not provide abortion as a method of family planning. A project must:
(i) Offer pregnant women the opportunity to be provided information and counseling regarding each of the following options:

(A) Prenatal care and delivery;
(B) Infant care, foster care, or adoption; and
(C) Pregnancy termination.

(ii) If requested to provide such information and counseling, provide neutral, factual information and nondirective counseling on each of the options, and referral upon request, except with respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

(6) Provide that priority in the provision of services will be given to persons from low-income families.

(7) Provide that no charge will be made for services provided to any persons from a low-income family except to the extent that payment will be made by a third party (including a government agency) which is authorized to or is under legal obligation to pay this charge.

(8) Provide that charges will be made for services to persons other than those from low-income families in accordance with a schedule of discounts based on ability to pay, except that charges to persons from families whose annual income exceeds 250 percent of the levels set forth in the most recent Poverty Guidelines issued pursuant to 42 U.S.C. 9902(2) will be made in accordance with a schedule of fees designed to recover the reasonable cost of providing services.

(9) If a third party (including a Government agency) is authorized or legally obligated to pay for services, all reasonable efforts must be made to obtain the third-party payment without application of any discounts. Where the cost of services is to be reimbursed under title XIX, XX, or XXI of the Social Security Act, a written agreement with the title XIX, XX or XXI agency is required.

(10)(i) Provide that if an application relates to consolidation of service areas or health resources or would otherwise affect the operations of local or regional entities, the applicant must document that these entities have been given, to the maximum feasible extent, an opportunity to participate in the development of the application. Local and regional entities include existing or potential subgrantees which have previously provided or propose to provide family planning services to the area proposed to be served by the applicant.

(ii) Provide an opportunity for maximum participation by existing or potential subgrantees in the ongoing policy decisionmaking of the project.

(11) Provide for an Advisory Committee as required by Sec. 59.6.

(b) In addition to the requirements of paragraph (a) of this section, each project must meet each of the following requirements unless the Secretary determines that the project has established good cause for its omission. Each project must:

(1) Provide for medical services related to family planning (including physician's consultation, examination prescription, and continuing supervision, laboratory examination, contraceptive supplies) and necessary referral

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to other medical facilities when medically indicated, and provide for the effective usage of contraceptive devices and practices.

(2) Provide for social services related to family planning, including counseling, referral to and from other social and medical services agencies, and any ancillary services which may be necessary to facilitate clinic attendance.

(3) Provide for informational and educational programs designed to--

(i) Achieve community understanding of the objectives of the

program;
(ii) Inform the community of the availability of services; and
(iii) Promote continued participation in the project by persons to whom family planning services may be beneficial.
(4) Provide for orientation and in-service training for all project personnel.
(5) Provide services without the imposition of any durational residency requirement or requirement that the patient be referred by a physician.
(6) Provide that family planning medical services will be performed under the direction of a physician with special training or experience in family planning.
(7) Provide that all services purchased for project participants will be authorized by the project director or his designee on the project staff.
(8) Provide for coordination and use of referral arrangements with other providers of health care services, local health and welfare departments, hospitals, voluntary agencies, and health services projects supported by other federal programs.
(9) Provide that if family planning services are provided by contract or other similar arrangements with actual providers of services, services will be provided in accordance with a plan which establishes rates and method of payment for medical care. These payments must be made under agreements with a schedule of rates and payment procedures maintained by the grantee. The grantee must be prepared to substantiate, that these rates are reasonable and necessary.
(10) Provide, to the maximum feasible extent, an opportunity for participation in the development, implementation, and evaluation of the project by persons broadly representative of all significant elements of the population to be served, and by others in the community knowledgeable about the community's needs for family planning services.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Sec. 59.6 What procedures apply to assure the suitability of informational and educational material?

(a) A grant under this section may be made only upon assurance satisfactory to the Secretary that the project shall provide for the review and approval of informational and educational materials developed or made available under the project by an Advisory Committee prior to their distribution, to assure that the materials are suitable for the population or community to which they are to be made available and the purposes of title X of the Act. The project shall not disseminate any such materials which are not approved by the Advisory Committee.
(b) The Advisory Committee referred to in paragraph (a) of this section shall be established as follows:
(1) Size. The Committee shall consist of no fewer than five but not more than nine members, except that this provision may be waived by the Secretary for good cause shown.
(2) Composition. The Committee shall include individuals broadly representative (in terms of demographic factors such as race, color, national origin, handicapped condition, sex, and age) of the population or community for which the materials are intended.
(3) Function. In reviewing materials, the Advisory Committee shall:
(i) Consider the educational and cultural backgrounds of individuals to whom the materials are addressed;
(ii) Consider the standards of the population or community to be

served with respect to such materials;
(iii) Review the content of the material to assure that the information is factually correct;
(iv) Determine whether the material is suitable for the population or community to which is to be made available; and

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(v) Establish a written record of its determinations.

Sec. 59.7 What criteria will the Department of Health and Human Services use to decide which family planning services projects to fund and in what amount?

(a) Within the limits of funds available for these purposes, the Secretary may award grants for the establishment and operation of those projects which will in the Department's judgment best promote the purposes of section 1001 of the Act, taking into account:
(1) The number of patients, and, in particular, the number of low-income patients to be served;
(2) The extent to which family planning services are needed locally;
(3) The relative need of the applicant;
(4) The capacity of the applicant to make rapid and effective use of the federal assistance;
(5) The adequacy of the applicant's facilities and staff;
(6) The relative availability of non-federal resources within the community to be served and the degree to which those resources are committed to the project; and
(7) The degree to which the project plan adequately provides for the requirements set forth in these regulations.
(b) The Secretary shall determine the amount of any award on the basis of his estimate of the sum necessary for the performance of the project. No grant may be made for less than 90 percent of the project's costs, as so estimated, unless the grant is to be made for a project which was supported, under section 1001, for less than 90 percent of its costs in fiscal year 1975. In that case, the grant shall not be for less than the percentage of costs covered by the grant in fiscal year 1975.
(c) No grant may be made for an amount equal to 100 percent for the project's estimated costs.

Sec. 59.8 How is a grant awarded?

(a) The notice of grant award specifies how long HHS intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for three to five years.
(b) Generally the grant will initially be for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HHS that continued funding is in the best interest of the government.
(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to

any approved application or portion of an approved application.

Sec. 59.9 For what purpose may grant funds be used?

Any funds granted under this subpart shall be expended solely for the purpose for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in 45 CFR Part 74 or Part 92, as applicable.

Sec. 59.10 What other HHS regulations apply to grants under this subpart?

Attention is drawn to the following HHS Department-wide regulations which apply to grants under this subpart. These include:

37 CFR Part 401--Rights to inventions made by nonprofit organizations and small business firms under government grants, contracts, and cooperative agreements
42 CFR Part 50, Subpart D--Public Health Service grant appeals procedure
45 CFR Part 16--Procedures of the Departmental Grant Appeals Board
45 CFR Part 74--Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments
45 CFR Part 80--Nondiscrimination under programs receiving Federal assistance through the Department of Health and

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Human Services effectuation of Title VI of the Civil Rights Act of 1964
45 CFR Part 81--Practice and procedure for hearings under Part 80 of this Title
45 CFR Part 84--Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
45 CFR Part 91--Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance
45 CFR Part 92--Uniform administrative requirements for grants and cooperative agreements to state and local governments

Sec. 59.11 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and must not be disclosed without the individual's documented consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

Sec. 59.12 Additional conditions.

The Secretary may, with respect to any grant, impose additional conditions prior to or at the time of any award, when in the Department's judgment these conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.

[65 FR 41278, July 3, 2000; 65 FR 49057, Aug. 10, 2000]

Subpart B [Reserved]

Subpart C--Grants for Family Planning Service Training

Authority: Sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-1.

Source: 37 FR 7093, Apr. 8, 1972, unless otherwise noted.

Sec. 59.201 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a-1) to provide the training for personnel to carry out family planning service programs described in sections 1001 and 1002 of the Public Health Service Act (42 U.S.C. 300, 300a).

Sec. 59.202 Definitions.

As used in this subpart:
(a) Act means the Public Health Service Act.
(b) State means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.
(c) Nonprofit private entity means a private entity no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
(d) Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.
(e) Training means job-specific skill development, the purpose of which is to promote and improve the delivery of family planning services.

Sec. 59.203 Eligibility.

(a) Eligible applicants. Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.
(b) Eligible projects. Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed three months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services: Provided, That the Secretary may in particular cases approve support of a program whose duration is longer than three months where he determines (1) that such program is consistent with the purposes of this subpart and (2) that the program's objectives cannot be accomplished within three months because of the unusually complex or specialized nature of the training to be undertaken.

[37 FR 7093, Apr. 8, 1972, as amended at 40 FR 17991, Apr. 24, 1975]

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Sec. 59.204 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe. \1\ The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

\1\ Applications and instructions may be obtained from the Program Director, Family Planning Services, at the Regional Office of the Department of Health and Human Services for the region in which the project is to be conducted, or the Office of Family Planning, Office of the Assistant Secretary for Health, Washington, DC 20201.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

(Sec. 6(c), Public Health Service Act, 84 Stat. 1506 and 1507 (42 U.S.C. 300, 300a-1, and 300a-4))

[37 FR 7093, Apr. 8, 1972, as amended at 49 FR 38116, Sept. 27, 1984]

Sec. 59.205 Project requirements.

An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:

(a) Assurances that:

(1) No portion of the Federal funds will be used to train personnel for programs where abortion is a method of family planning.

(2) No portion of the Federal funds will be used to provide professional training to any student as part of his education in pursuit of an academic degree.

(3) No project personnel or trainees shall on the grounds of sex, religion, or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the project.

(b) Provision of a methodology to assess the particular training (e.g., skills, attitudes, or knowledge) that prospective trainees in the area to be served need to improve their delivery of family planning services.

(c) Provision of a methodology to define the objectives of the training program in light of the particular needs of trainees defined pursuant to paragraph (b) of this section.

(d) Provision of a method for development of the training curriculum and any attendant training materials and resources.

(e) Provision of a method for implementation of the needed training.

(f) Provision of an evaluation methodology, including the manner in which such methodology will be employed, to measure the achievement of the objectives of the training program.

(g) Provision of a method and criteria by which trainees will be selected.

Sec. 59.206 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those projects which will in his judgment best promote the purposes of section 1003 of the Act, taking into account:

(1) The extent to which a training program will increase the delivery of services to people, particularly low-income groups, with a high percentage of unmet need for family planning services;

(2) The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include, among other things:

(i) Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

(ii) Improvement of the family planning services delivery skills of family planning and health services personnel;

(iii) Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services;

(iv) Expansion of family planning services, particularly in rural areas, through new or improved approaches to

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program planning and deployment of resources;

(3) The capacity of the applicant to make rapid and effective use of such assistance;

(4) The administrative and management capability and competence of the applicant;

(5) The competence of the project staff in relation to the services to be provided; and

(6) The degree to which the project plan adequately provides for the requirements set forth in Sec. 59.205.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) On the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as travel or supply costs) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) Allowability of costs shall be in conformance with the applicable cost principles prescribed by Subpart Q of 35 CFR part 74.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

[37 FR 7093, Apr. 8, 1972, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

Sec. 59.208 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and, except as may otherwise be provided in this subpart, the applicable cost principles prescribed by subpart Q of 45 CFR part 74.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

(c) The Secretary may approve the payment of grant funds to trainees for:

(1) Return travel to the trainee's point of origin.

(2) Per diem during the training program, and during travel to and from the program, at the prevailing institutional or governmental rate, whichever is lower.

[37 FR 7093, Apr. 8, 1972, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.209 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health and Human Services with the

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approval of the President (45 CFR part 80).

Sec. 59.210 Inventions or discoveries.

Any grant award pursuant to Sec. 59.206 is subject to the regulations of the Department of Health and Human Services as set forth in 45 CFR parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

Sec. 59.211 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

Sec. 59.212 Grantee accountability.

(a) Accounting for grant award payments. All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: Provided, however, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) [Reserved]

(c) Accounting for grant-related income--(1) Interest. Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(d) Grant closeout--(1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) Final settlement. There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iii) Any other amounts due pursuant to subparts F, M, and O of 45 CFR part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or

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assignees by setoff or other action as provided by law.

[36 FR 18465, Sept. 15, 1971, as amended at 38 FR 26199, Sept. 19, 1973]

Sec. 59.213 [Reserved]

Sec. 59.214 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

Sec. 59.215 Applicability of 45 CFR part 74.

The provisions of 45 CFR part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in subpart A of that part 74. The relevant provisions of the following subparts of part 74 shall also apply to grants to all other grantee organizations under this subpart.

45 CFR Part 74

Subpart:
A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
G Matching and Cost Sharing.
K Grant Payment Requirements.
L Budget Revision Procedures.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

[38 FR 26199, Sept. 19, 1973]

Attachment 3

NEBRASKA INFERTILITY PREVENTION PROJECT

CHLAMYDIA SCREENING GUIDELINES

(Tests sent to Nebraska Public Health Lab)

-For-

FAMILY PLANNING SITES, COMMUNITY HEALTH CENTERS, STUDENT HEALTH CLINICS, PRIVATE PHYSICIANS & LOCAL HEALTH DEPTS.

Women 10-30 Years of age

Women 31-35 Years Old with <u>ONE</u> of the following Risk Factors:

- **New Partner or Multiple Partners in Last 90 days**
- **Recent Contact to a partner with Urethritis, Known Chlamydia or other STD**
- **Clinical signs suggestive of Chlamydia Infection: Cervicitis , Mucopus, Cervical Friability, PID**

A test of cure is not recommended. If you suspect reinfection; you must wait for at least three weeks after treatment is completed before retesting.

Nebraska Department of Health and Human Services

402-471-3724

6/08

Attachment 4

THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GENERAL TERMS AND ASSURANCES

A. ACCESS TO RECORDS AND AUDIT RESPONSIBILITIES.

1. All Subrecipient books, records, and documents regardless of physical form, including data maintained in computer files or on magnetic, optical or other media, relating to work performed or monies received under this subgrant shall be subject to audit at any reasonable time upon the provision of reasonable notice by DHHS. Subrecipient shall maintain all records for three (3) years from the date of final payment, except records that fall under the provisions of the Health Insurance Portability and Accountability Act (HIPAA) shall be maintained for six (6) full years from the date of final payment. In addition to the foregoing retention periods, all records shall be maintained until all issues related to an audit, litigation or other action are resolved to the satisfaction of DHHS. The Subrecipient shall maintain its accounting records in accordance with generally accepted accounting principles. DHHS reserves and hereby exercises the right to require the Subrecipient to submit required financial reports on the accrual basis of accounting. If the Subrecipient's records are not normally kept on the accrual basis, the Subrecipient is not required to convert its accounting system but shall develop and submit in a timely manner such accrual information through an analysis of the documentation on hand (such as accounts payable).

2. The Subrecipient shall provide DHHS any and all written communications received by the Subrecipient from an auditor related to Subrecipient's internal control over financial reporting requirements and communication with those charged with governance including those in compliance with or related to Statement of Auditing Standards (SAS) 112 *Communicating Internal Control related Matters Identified in an Audit* and SAS 114 *The Auditor's Communication with Those Charged With Governance.* The Subrecipient agrees to provide DHHS with a copy of all such written communications immediately upon receipt or instruct any auditor it employs to deliver copies of such written communications to DHHS at the same time copies are delivered to the Subrecipient, in which case the Subrecipient agrees to verify that DHHS has received a copy.

3. The subrecipient shall immediately commence follow-up action on findings arising from audits or other forms of review. Follow-up action includes responding to those conducting such examinations with clear, complete views concerning the accuracy and appropriateness of the findings. If the finding is accepted, corrective action, such as repaying disallowed costs, making financial adjustments, or taking other actions should proceed and be completed as rapidly as possible. If the subrecipient disagrees, it should provide an explanation and specific reasons that demonstrate that the finding is not valid.

4. In addition to, and in no way in limitation of any obligation in this subgrant, the Subrecipient shall be liable for audit exceptions, and shall return to DHHS all payments made under this subgrant for which an exception has been taken or which has been disallowed because of such an exception, upon demand from DHHS.

B. AMENDMENT. This subgrant may be modified only by written amendment executed by both parties. No alteration or variation of the terms and conditions of this subgrant shall be valid unless made in writing and signed by the parties.

C. ANTI-DISCRIMINATION. The Subrecipient shall comply with all applicable local, state and federal statutes and regulations regarding civil rights and equal opportunity employment, including Title VI of the Civil Rights Act of 1964; the Rehabilitation Act of 1973, Public Law 93-112; the Americans with Disabilities Act of 1990, Public Law 101-336; and the Nebraska Fair Employment Practice Act, NEB. REV. STAT. §§ 48-1101 to 48-1125. Violation of said statutes and regulations will constitute a material breach of this subgrant. The Subrecipient shall insert this provision into all subgrants and subcontracts.

D. ASSIGNMENT. The Subrecipient shall not assign or transfer any interest, rights, or duties under this subgrant to any person, firm, or corporation without prior written consent of DHHS. In the absence of such written consent, any assignment or attempt to assign shall constitute a breach of this subgrant.

E. ASSURANCE. If DHHS, in good faith, has reason to believe that the Subrecipient does not intend to, is unable to, has refused to, or discontinues performing material obligations under this subgrant, DHHS may demand in writing that the Subrecipient give a written assurance of intent to perform. Failure by the Subrecipient to provide written assurance within the number of days specified in the demand may, at DHHS's option, be the basis for terminating this subgrant.

F. BREACH OF SUBGRANT. DHHS may immediately terminate this subgrant and agreement, in whole or in part, if the Subrecipient fails to perform its obligations under the subgrant in a timely and proper manner. DHHS may withhold payments and provide a written notice of default to the Subrecipient, allow the Subrecipient to correct a failure or breach of subgrant within a period of thirty (30) days or longer at DHHS's discretion considering the gravity and nature of the default. Said notice shall be delivered by Certified Mail, Return Receipt Requested or in person with proof of delivery. Allowing the Subrecipient time to correct a failure or breach of this subgrant does not waive DHHS's right to immediately terminate the subgrant for the same or different subgrant breach which may occur at a different time. DHHS may, at its discretion, obtain any services required to complete this subgrant and hold the Subrecipient liable for any excess cost caused by Subrecipient's default. This provision shall not preclude the pursuit of other remedies for breach of subgrant as allowed by law.

G. CONFIDENTIALITY. Any and all confidential or proprietary information gathered in the performance of this subgrant, either independently or through DHHS, shall be held in the strictest confidence and shall be released to no one other than DHHS without the prior written authorization of DHHS, provided that contrary subgrant provisions set forth herein shall be deemed to be authorized exceptions to this general confidentiality provision. As required by United States Department of Health and Human Services (hereinafter "HHS") appropriations acts, all HHS recipients and DHHS Subrecipients must acknowledge Federal and DHHS funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal and DHHS funds. Recipients are required to state: (1) the percentage and dollar amounts of the total program or project costs financed with Federal and DHHS funds; and (2) the percentage and dollar amount of the total costs financed by nongovernmental sources. This provision shall survive termination of this subgrant.

H. CONFLICTS OF INTEREST. In the performance of this subgrant, the Subrecipient shall avoid all conflicts of interest and all appearances of conflicts of interest. The Subrecipient shall immediately notify DHHS of any such instances encountered, so that other arrangements can be made to complete the work.

I. COST PRINCIPLES AND AUDIT REQUIREMENTS. The Subrecipient shall follow the applicable cost principles set forth in OMB Circular A-87 for State, Local and Indian Tribe Governments; A-21 for Colleges and Universities; or A-122 for Non-Profit Organizations. Federal audit requirements are dependent on the total amount of federal funds expended by the Subrecipient, set in the table below and Attachment 1, Audit Requirement Certification. Audits must be prepared and issued by an independent certified public accountant licensed to practice. A copy of the annual audit is to be made electronically available or sent to: Nebraska Department of Health and Human Services, Financial Services, P.O. Box 95026, Lincoln, NE 68509-5026.

Amount of annual federal expenditure	Audit Type
$100,000 to $499,999	*Financial Statement Audit*
500,000 or more in federal expenditure	*A-133 audit*

J. DATA OWNERSHIP AND COPYRIGHT. Except as otherwise provided in the Federal Notice of Award, DHHS shall own the rights in data resulting from this project or program. The Subrecipient may copyright any of the copyrightable material and may patent any of the patentable products produced in conjunction with the performance required under this subgrant without written consent from DHHS. DHHS and any federal granting authority hereby reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the copyrightable material for federal or state government purposes. This provision shall survive termination of this subgrant.

K. DEBARMENT, SUSPENSION OR DECLARED INELIGIBLE. The Subrecipient certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

L. DOCUMENTS INCORPORATED BY REFERENCE. All references in this subgrant to laws, rules, regulations, guidelines, directives, and attachments which set forth standards and procedures to be followed by the Subrecipient in discharging its obligations under this subgrant shall be deemed incorporated by reference and made a part of this subgrant with the same force and effect as if set forth in full text, herein.

M. DRUG-FREE WORKPLACE. Subrecipient agrees, in accordance with 41 USC §701 et al., and Nebraska policy, to maintain a drug-free workplace by: (1) publishing a drug-free workplace statement; (2) establishing a drug-free awareness program; (3) taking actions concerning employees who are convicted of violating drug statutes in the workplace; and (4) in accordance with 2 CFR §180.230, identify all workplaces under its federal awards.

N. FEDERAL FINANCIAL ASSISTANCE. The Subrecipient shall comply with all applicable provisions of 45 C.F.R. §§ 87.1-87.2. The Subrecipient certifies that it shall not use direct federal financial assistance to engage in inherently religious activities, such as worship, religious instruction, and/or proselytization.

O. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REPORTING. The Subrecipient shall complete the Subrecipient Reporting Worksheet, Attachment 2, sections B and C. The Subrecipient certifies the information is complete, true and accurate.

P. <u>FORCE MAJEURE</u>. Neither party shall be liable for any costs or damages resulting from its inability to perform any of its obligations under this subgrant due to a natural disaster, or other similar event outside the control and not the fault of the affected party ("Force Majeure Event"). A Force Majeure Event shall not constitute a breach of this subgrant. The party so affected shall immediately give notice to the other party of the Force Majeure Event. Upon such notice, all obligations of the affected party under this subgrant which are reasonably related to the Force Majeure Event shall be suspended, and the affected party shall do everything reasonably necessary to resume performance as soon as possible. Labor disputes with the impacted party's own employees will not be considered a Force Majeure Event and will not suspend performance requirements under this subgrant.

Q. <u>FUNDING AVAILABILITY</u>. DHHS may terminate the subgrant, in whole or in part, in the event funding is no longer available. Should funds not be appropriated, DHHS may terminate the award with respect to those payments for the fiscal years for which such funds are not appropriated. DHHS shall give the Subrecipient written notice thirty (30) days prior to the effective date of any termination. The Subrecipient shall be entitled to receive just and equitable compensation for any authorized work which has been satisfactorily completed as of the termination date. In no event, shall the Subrecipient be paid for a loss of anticipated profit.

R. <u>GRANT CLOSE-OUT.</u> Upon completion or notice of termination of this grant, the following procedures shall apply for close-out of the subgrant:

1. The Subrecipient will not incur new obligations after the termination or completion of the subgrant, and shall cancel as many outstanding obligations as possible. DHHS shall give full credit to Subrecipient for the federal share of non-cancelable obligations properly incurred by Subrecipient prior to termination, and costs incurred on, or prior to, the termination or completion date.

2. Subrecipient shall immediately return to DHHS any unobligated balance of cash advanced or shall manage such balance in accordance with DHHS instructions.

3. Within a maximum of 90 days following the date of expiration or completion, Subrecipient shall submit all financial, performance, and related reports required by the Subrecipient Reporting Requirements. DHHS reserves the right to extend the due date for any report and may waive, in writing, any report it considers to be unnecessary.

4. DHHS shall make any necessary adjustments upward or downward in the federal share of costs.

5. The Subrecipient shall assist and cooperate in the orderly transition and transfer of subgrant activities and operations with the objective of preventing disruption of services.

6. Close-out of this subgrant shall not affect the retention period for, or state or federal rights of access to, Subrecipient records, or Subrecipient's responsibilities regarding property or with respect to any program income for which Subrecipient is still accountable under this subgrant. If no final audit is conducted prior to close-out, DHHS reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted at a later time.

S. <u>GOVERNING LAW</u>. The award shall be governed in all respects by the laws and statutes of the State of Nebraska. Any legal proceedings against DHHS or the State of Nebraska regarding this award shall be brought in Nebraska administrative or judicial forums as defined by Nebraska State law. The Subrecipient shall comply with all Nebraska statutory and regulatory law.

T. <u>HOLD HARMLESS</u>.

1. The Subrecipient shall defend, indemnify, hold, and save harmless the State of Nebraska and its employees, volunteers, agents, and its elected and appointed officials ("the indemnified parties") from and against any and all claims, liens, demands, damages, liability, actions, causes of action, losses, judgments, costs, and expenses of every nature, including investigation costs and expenses, settlement costs, and attorney fees and expenses ("the claims"), sustained or asserted against the State of Nebraska, arising out of, resulting from, or attributable to the willful misconduct, negligence, error, or omission of the Subrecipient, its employees, consultants, representatives, and agents, except to the extent such Subrecipient's liability is attenuated by any action of the State of Nebraska which directly and proximately contributed to the claims.

2. DHHS's liability is limited to the extent provided by the Nebraska Tort Claims Act, the Nebraska Contract Claims Act, the Nebraska Miscellaneous Claims Act, and any other applicable provisions of law. DHHS does not assume liability for the action of its Subrecipients.

U. <u>INDEPENDENT ENTITY</u>. The Subrecipient is an Independent Entity and neither it nor any of its employees shall, for any purpose, be deemed employees of DHHS. The Subrecipient shall employ and direct such personnel, as it requires, to perform its obligations under this subgrant, exercise full authority over its personnel, and comply with all workers' compensation, employer's liability and other federal, state, county, and municipal laws, ordinances, rules and regulations required of an employer providing services as contemplated by this subgrant.

V. <u>REIMBURSEMENT REQUEST.</u> Requests for payments submitted by the Subrecipient shall contain sufficient detail to support payment. Any terms and conditions included in the Subrecipient's request shall be deemed to be solely for the convenience of the parties.

W. <u>INTEGRATION</u>. This written subgrant represents the entire agreement between the parties, and any prior or contemporaneous representations, promises, or statements by the parties, that are not incorporated herein, shall not serve to vary or contradict the terms set forth in this subgrant.

X. <u>LOBBYING</u>.

1. Subrecipient certifies that no Federal appropriated funds shall be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this award for: (a) the awarding of any Federal agreement; (b) the making of any Federal grant; (c) the entering into of any cooperative agreement; and (d) the extension, continuation, renewal, amendment, or modification of any Federal agreement, grant, loan, or cooperative agreement.

2. If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence: an officer or employee of any

agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this subgrant, the Subrecipient shall complete and submit Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Y. NEBRASKA NONRESIDENT INCOME TAX WITHHOLDING. Subrecipient acknowledges that Nebraska law requires DHHS to withhold Nebraska income tax if payments for personal services are made in excess of six hundred dollars ($600) to any Subrecipient who is not domiciled in Nebraska or has not maintained a permanent place of business or residence in Nebraska for a period of at least six months. This provision applies to: individuals; to a corporation, if 80% or more of the voting stock of the corporation is held by the shareholders who are performing personal services, and to a partnership or limited liability company, if 80% or more of the capital interest or profits interest of the partnership or limited liability company is held by the partners or members who are performing personal services.

The parties agree, when applicable, to properly complete the Nebraska Department of Revenue Nebraska Withholding Certificate for Nonresident Individuals Form W-4NA or its successor. The form is available at:
http://www.revenue.ne.gov/tax/current/f_w-4na.pdf or
http://www.revenue.ne.gov/tax/current/fill-in/f_w-4na.pdf

Z. NEBRASKA TECHNOLOGY ACCESS STANDARDS. The Subrecipient shall review the Nebraska Technology Access Standards, found at http://www.nitc.state.ne.us/standards/accessibility/tacfinal.html and ensure that products and/or services provided under the subgrant comply with the applicable standards. In the event such standards change during the Subrecipient's performance, the State may create an amendment to the subgrant to request that Subrecipient comply with the changed standard at a cost mutually acceptable to the parties.

AA. NEW EMPLOYEE WORK ELIGIBILITY STATUS. The Subrecipient shall use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

If the Subrecipient is an individual or sole proprietorship, the following applies:

1. The Subrecipient must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at www.das.state.ne.us.

2. If the Subrecipient indicates on such attestation form that he or she is a qualified alien, the Subrecipient agrees to provide the U.S. Citizenship and Immigration Services documentation required to verify the Subrecipient's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

3. The Subrecipient understands and agrees that lawful presence in the United States is required and the Subrecipient may be disqualified or the subgrant terminated if such lawful presence cannot be verified as required by NEB. REV. STAT. § 4-108.

BB. PUBLICATIONS. Subrecipient agrees that all publications that result from work under this subgrant will acknowledge that the project was supported by "Grant No. XXXX" under a subgrant from "Federal Agency" and DHHS.

CC. PROGRAMMATIC CHANGES. The Subrecipient shall request in writing to DHHS for approval of programmatic changes. DHHS shall approve or disapprove in whole or in part in writing within thirty (30) days of receipt of such request.

DD. PROMPT PAYMENT. Payment shall be made in conjunction with the State of Nebraska Prompt Payment Act, NEB. REV. STAT. §§ 81-2401 through 81-2408. Unless otherwise provided herein, payment shall be made by electronic means.

Automated Clearing House (ACH) Enrollment Form Requirements for Payment. The Subrecipient shall complete and sign the State of Nebraska ACH Enrollment Form and obtain the necessary information and signatures from their financial institution. The completed form must be submitted before payments to the Subrecipient can be made. Download ACH Form:
http://www.das.state.ne.us/accounting/nis/address_book_info.htm

EE. PUBLIC COUNSEL. In the event Subrecipient provides health and human services to individuals on behalf of DHHS under the terms of this award, Subrecipient shall submit to the jurisdiction of the Public Counsel under NEB. REV. STAT. §§ 81-8,240 through 81-8,254 with respect to the provision of services under this subgrant. This clause shall not apply to subgrants between DHHS and long-term care facilities subject to the jurisdiction of the state long-term care ombudsman pursuant to the Long-Term Care Ombudsman Act.

FF. RESEARCH. The Subrecipient shall not engage in research utilizing the information obtained through the performance of this subgrant without the express written consent of DHHS. The term "research" shall mean the investigation, analysis, or review of information, other than aggregate statistical information, which is used for purposes unconnected with this subgrant.

GG. SEVERABILITY. If any term or condition of this subgrant is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this subgrant did not contain the particular provision held to be invalid.

HH. SMOKE FREE. Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds in Medicare or Medicaid; or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. By signing, the Subrecipient certifies that the Subrecipient will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

II. SUBRECIPIENTS OR SUBCONTRACTORS. The Subrecipient shall not subgrant or subcontract any portion of this award without prior written consent of DHHS. The Subrecipient shall ensure that all subcontractors and subrecipients comply with all requirements of this subgrant and applicable federal, state, county and municipal laws, ordinances, rules and regulations.

JJ. TIME IS OF THE ESSENCE. Time is of the essence in this subgrant. The acceptance of late performance with or without objection or reservation by DHHS shall not waive any rights of DHHS nor constitute a waiver of the requirement of timely performance of any obligations on the part of the Subrecipient remaining.

NOTICES. Notices shall be in writing and shall be effective upon receipt. Written notices, including all reports and other written communications required by this subgrant shall be sent to the following addresses:

FOR DHHS:	FOR SUBRECIPIENT:
Name: Julie Reno, Program Manager	Name
Nebraska Reproductive Health	
NE Department of Health & Human Services	Entity
301 Centennial Mall South	
PO Box 95026	Address
Lincoln, NE 68509-5026	City, State, Zip + 4
Phone: 402-471-0163	Phone

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Title X Family Planning
AUDIT REQUIREMENT CERTIFICATION

Sub-recipients and certain contractors receiving funds from the Nebraska Department of Health and Human Services are required to complete this document. Reference to the Office of Management and Budget Circular A-133, Audits of States, Local Governments and Non-Profit Organizations, in this document is “Circular A-133”.

Grant ***Title X Family Planning*** **Grant** ***#6 FPHPA070097-40-02*** **CFDA*** ***#93.217***

*(Catalog of Federal Domestic Assistance)

Sub-Recipient’s Name ____

Address: ____

City: ___________________________ **State:** ________ **Zip Code**: _________________

Federal Tax Identification Number (FTIN) ______________________

Sub-Recipient’s Fiscal Year _________________, **20**___ **to** __________________, **20**___

All written communications from the Certified Public Accountant (CPA) engaged under #1 or #2 below, given to the contractor related to Statement of Auditing Standards (SAS) 112 *Communicating Internal Control related Matters Identified in an Audit* and SAS 114 *The Auditor’s Communication with Those Charged With Governance* and any additional reports issued by the auditor as a result of this engagement must be provided to the DHHS immediately upon receipt, unless the Sub-recipient or contractor has directed the CPA to provide the copy directly to the DHHS and has verified this has occurred.

Check either 1 or 2

1. __ As the sub-recipient or contractor named above, we expect to expend less than $500,000 from all Federal Financial Assistance sources, not just the grant named above, and including commodities in our current fiscal year. Therefore, we are not subject to the audit requirements of Circular A-133.

   We are, however, responsible for engaging a licensed Certified Public Accountant (CPA) to conduct an audit of our organization’s financial statements if we have total federal expenditures over $100,000. We acknowledge the audit must be completed no later than nine months after the end of our organization’s current fiscal year. A copy of the report must be submitted to DHHS address as shown below within the earlier of 30 days after receipt of the auditor’s report(s), or nine months after the end of the audit period.

2. __ As the sub-recipient or contractor named above, we expect to expend $500,000 or more from all Federal Financial Assistance sources, not just the grant named above, and including commodities in our current fiscal year. Therefore, we are subject to the single audit requirements of Circular A-133.

   We will engage a licensed Certified Public Accountant to conduct and prepare the audit of our organization's financial statements and components of the single audit pertaining to those financial statements. We acknowledge the audit must be completed no later than nine months after the end of our current fiscal year.

We further acknowledge, that a single audit performed in accordance with Circular A-133 must be submitted to the Federal Audit Clearinghouse. The reporting package, as evidence the audit was completed must contain:

- financial statements,
- a schedule of Expenditure of Federal Awards,
- a Summary Schedule of Prior Audit Findings (if applicable),
- a corrective action plan (if applicable) and
- the auditor's report(s) which includes an opinion upon financial statements and Schedule of Expenditures of Federal Awards, a report of internal control, a report of compliance and a Schedule of Findings and Questioned Costs.

We further acknowledge the auditor and this contractor or sub-recipient must complete and submit with the reporting package a *Data Collection Form for Reporting on Audits of States, Local Governments and Non-Profit Organizations* (SF-SAC).

We further acknowledge a copy of the contractor's financial statements, auditor's report and SF-SAC must be submitted, at the time these documents are submitted to the Federal Audit Clearinghouse, to:

Nebraska Department of Health and Human Services
Financial Services
Grants and Cost Management
P.O. Box 95026
Lincoln, NE 68509-5026

The foregoing submissions must be made within the earlier of 30 days after receipt of the auditor's report(s), or nine months after the end of the audit period.

Attachment 6

Sub-recipient Reporting Worksheet

Section A – Federal Award Information

Federal Award Identifier Number (FAIN): ***#6 FPHPA070097-40-02***

Federal Awarding Agency Name: Office of Population Affairs

Award Date _____

CFDA Program Number 93.217

Total Federal Funding Amount $_____

Sub-grant Amount from this Award: $_____

**See instructions if the subgrant is funded from more than one funding source*

Section B – Subrecipient Information

Subrecipient DUNS ____

Subrecipient Name ____

Subrecipient Address: Street ____

City ____________________ State ________________

Country __________________ Zip Code + 4 __________

Congressional District ______________________________

Amount of Subgrant $____________ Subgrant Date ________________

Subrecipient Principal Place of Performance: City ________________ State ________________

Country __________________ Zip Code + 4 __________

Congressional District ______________________________

Subgrant Number ________________ (Will be completed by Support Services)

Subgrant Project Description ____

____

____

Section C – Officer Compensation

1. In your business or organization's previous fiscal year, did your business organization (including parent organization, all branches, and all affiliates worldwide) receive 80% or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements AND $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

   ☐ Yes – answer Question 2

   ☐ No – not required to provide officer compensation

2. Does the public have access to information about the compensation of the senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

   ☐ Yes – not required to provide officer compensation

   ☐ No – provide the names and total compensation of the five most highly compensated officers of the entity below

	Name	Compensation
1.	______________________________	$__________
2.	______________________________	$__________
3.	______________________________	$__________
4.	______________________________	$__________
5.	______________________________	$__________

Section A – Federal Award Information (Continuation)

Use this page only if the subgrant is being funded by multiple sources (multiple federal grants or a combination of federal and state funds)

Federal Award Identifier Number (FAIN) _____	
Federal Awarding Agency Name _____	Award Date _____
CFDA Program Number _____	
Total Federal Funding Amount $_____	Subgrant Amount From This Award: $_____

Federal Award Identifier Number (FAIN) _____	
Federal Awarding Agency Name _____	Award Date _____
CFDA Program Number _____	
Total Federal Funding Amount $_____	Subgrant Amount From This Award: $_____

Federal Award Identifier Number (FAIN) _____	
Federal Awarding Agency Name _____	Award Date _____
CFDA Program Number _____	
Total Federal Funding Amount $_____	Subgrant Amount From This Award: $_____

Amount funded from Federal Grants	$_____	Total of grants in Section A
Amount funded from State General Funds	$_____	
Amount funded from State Cash Funds	$_____	
Amount funded from Federal Cash Funds	$_____	Fed sources other than grants
Total amount funded from all sources	$_____	(should equal total of sub-grant)

Attachment 7

TITLE X ASSURANCES OF COMPLIANCE

____ assures that it will:
(Name of Organization)

1. Provide services without subjecting individuals to any coercion to accept services or coercion to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other services.

2. Provide services in a manner which protects the dignity of the individual.

3. Provide services without regard to religion, race, color, national origin, handicapping condition, age, sex, number of pregnancies, or marital status.

4. Not provide abortions as a method of family planning.

5. Provide that priority in the provision of services will be given to persons from low income families.

Further: ____ certifies that it will:

1. Encourage family participation in the decision of the minor seeking family planning services.

2. Provide counseling to minors on how to resist coercive attempts to engage in sexual activities.

From Part 59--Grants for Family Planning Services, Subpart A, Section 59.5 (a) 2,3,4,5, and 6.

____
Signature

____
Title

____
Agency

Attachment 8

Nebraska Title X Delegate Reporting Requirements

Report	Date Due	Period Covered
Delegate Status Report	The 30th of the month following the previous two months activities. July - Aug due Sept. 30 Sept - Oct due Nov. 30 Nov - Dec due Jan. 30 Jan - Feb due March 30 March - April due May 30 May - June Due July 30	Previous two months
Community Education Report		
Expenditure Report (6 Reports/Year)		
Board Meeting Minutes	Attach to Delegate Status Report prior to next scheduled Board Meeting	
Revised Policies and Procedures	Throughout the year With Delegate Status Report	
Administrative Staff and Clinical Provider(s) Contact Info	Following employment attached to Delegate Status Report	
Audit Report	Within 9 months of the end of the agency fiscal year or 30 days after the audit has been completed	Agency Fiscal Year
(FPAR) OPA Title X FP/Program Data Report	Approximately January 25	January – December
Narrative Progress Report of Title X Priorities	TBD/End of Fiscal Year Report on Title X Priorities, Mandates and Work Plan Achievements	12 months

Attachment 9

ASSURANCE OF DELEGATE REPORTING REQUIREMENTS

1. Sub-recipient assures that as a condition of the grant, the Nebraska Title X Delegate will submit required reports to the Grantee as specified by the Nebraska Title X Delegate Reporting Requirements (see attached).

____

Name (Print)

___________________________________ ___________________________

Signature Date

Attachment 10

COVER SHEET
NEBRASKA DEPARTMENT OF HEALTH & HUMAN SERVICES
DIVISION OF PUBLIC HEALTH - LIFESPAN HEALTH SERVICES
TITLE X FAMILY PLANNING SERVICES
June 30, 2012 through June 29, 2013

Applicant Organization:____

Area Proposing to Serve:____

Federal Tax Identification Number:______________________________________

Address:______________________________ **City/Zip:**_________________________

Phone Number:__________________________ **Fax:**____________________________

By submitting and signing this application, the applicant agrees that, if a subgrant is awarded, it will operate the program as described in the Subgrant Request for Proposal and in accordance with the Subgrant Terms and Assurances.

Name of Authorized Official (please print):______________________________________

Signature of Authorized Official:____

Title:____

Date:____

Catalog of Federal Domestic Assistance Numbers: 93.994 (Title V) & 93.217 (Title X)

Project Director or Contact person:
Name:________________________
Title:_________________________
Address:______________________
City/Zip:______________________
Phone:________________________
Fax:__________________________
E-mail:________________________

Financial Officer:
Name:________________________
Title:_________________________
Address:______________________
City/Zip:______________________
Phone:________________________
Fax:__________________________
E-mail:________________________

Budget Information

	Amount	**Percentage (%)**
A. Title X funds requested	**$**________________	______________
B. Program Income	**$**________________	______________
C. In-Kind	**$**________________	______________
TOTAL PROGRAM BUDGET	**$**________________	**100%**

CAPACITY TO PROVIDE TITLE X FAMILY PLANNING SERVICES

This form addresses proposal requirements described in Section IIIB5 of the RFA.

A. Describe your agency's experience in providing family planning and related reproductive health services. Include a description of existing licenses, certifications and permits related to carrying out these services.

B. Describe your fiscal and administrative ability to administer grant funds. List previous grants, subgrants, or contracts received from State of Nebraska agencies in the past 5 years.

C. What are the qualifications of key program staff? List and describe staff's previous experience with the types of activities to be conducted, including administration, clinical services, laboratory and pharmacy services, education, counseling and outreach. **Attach resumes.**

D. Describe your capacity to engage community partners in planning reproductive health services for low income persons.

E. Describe the agency's ability to start up and begin implementation of the proposed services.

F. Describe training needs for clinical services and fiscal management of the project.

G. Describe the availability of clinic equipment, medical supplies, office furniture, computers, printers, copy machines, etc., to support staff and program needs.

Attachment 12

(Agency Name) Work Plan FY 2012-2013

Administrative Goal:

I. Outcome Goal:
(5 year)

One Year Objective	Activity	Staff	Begin/End	Evaluation

Clinical Goal:

I. Outcome Goal:
(5 year)

One Year Objective	Activity	Staff	Begin/End	Evaluation

Financial Goal:

I. Outcome Goal:
(5 year)

One Year Objective	Activity	Staff	Begin/End	Evaluation

Community Education Goal:

I. Outcome Goal:
(5 year)

One Year Objective	Activity	Staff	Begin/End	Evaluation

Attachment 13

Delegate Namer: ____________________

.

Summary Budget Request
(Use Whole Numbers)
FY January 1 - December 31, 2010

THIS IS A SUMMARY VERSION OF YOUR BUDGET FOR THE PERIOD.	Total Amount Required (sum of column 2-5)	Applicant Funds (complete Row 4a below)	Other Grant Funds (complete Row 4b below)	Program Generated Funds (complete Row 4c below)	Title X/State Funds Requested Family Planning Services (Including HIV & STDservices)
	1	2	3	4	5
1. PERSONAL SERVICE					
a. Total Salaries and Wages	$0	$0	$0	$0	$0
b. Fringe Benefits	$0	$0	$0	$0	$0
c.Total Personnel Costs	**$0**	**$0**	**$0**	**$0**	**$0**
2. OTHER THAN PERSONNEL SERVICE					
a. Contractual	$0	$0	$0	$0	$0
b. Equipment	$0	$0	$0	$0	$0
c. Staff Development	$0	$0	$0	$0	$0
d. Outreach and Education	$0	$0	$0	$0	$0
e. Other	$0	$0	$0	$0	$0
f. TOTAL OTPS	**$0**	**$0**	**$0**	**$0**	**$0**
3. TOTAL DIRECT COSTS[1]	**$0**	**$0**	**$0**	**$0**	**$0**

4. SOURCE OF APPLICANT FUNDS			
a. Applicant			
i. Unrestricted Funds	$ -		
ii. In-Kind Contributions	$ -		
b. Other Grant Funds (Specify)			
		$ -	
		$ -	
		$ -	
c. Program Generated Funds			
I Patient Collections			$ -
ii. Patient Donations			$ -
iii. Title XIX (Medicaid)			$ -
iv. Other Public Ins. (Champus, etc.)			$ -
v. Private Insurance			$ -
vi. Other			$ -
d. Total Applicant and Other Funds	$ -	$ -	$ -

[1]Sum of Total P/S and Total OTPS and Special Project Awards

Attachment 14

Title X Family Planning Funding Formula

<u>Definitions</u>

For the purposes of this RFA and the funding formula, these definitions apply for clinic sites.

Primary Site - Largest, only, or lead clinical site for a delegate grantee. This may or may not be the center for the delegate's administrative functions. In some cases the administrative functions will exist with a parent organization while with independent non-profit delegates the administrative hub usually exists at the largest clinical site.

Class I Satellite - Open daily with a regular clinic schedule, permanent facility, but not the largest or lead clinic site.

Class 2 Satellite - Open for clinical services on a limited schedule, often termed "suitcase site".

Class 3 Satellite - Same as Class 2 only in communities with < 3000 population.

Delegate - a sub-recipient of Title X funding from the Grantee (NE-DHHS). The Grantee is identified by and funded directly from the Office of Population Affairs, U.S. Department of Health and Human Services through a competitive grant process.

<u>Funding Formula - (under revision)</u>

Step 1: A base allocation is made to a delegate agency based on the following amounts:

①	Primary Site	$35,000 year
	Class 1 Satellite	$14,000 year
	Class 2 Satellite	$4,000 year
	Class 3 Satellite (population < 3000)	$1,000 year

Step 2: Funds are further allocated based on the percent of unduplicated Low Income Women (LIW) users to Total Agency Users. The following scale represents the amounts given based on the percent determined:

% of LIW to Total Agency Users	
0 - 35%	= $0
36 - 45%	= $5,000 yearly
46 - 55%	= $10,000 yearly
56 - 65%	= $15,000 yearly
66 - 75%	= $20,000 yearly
76 - 85%	= $25,000 yearly
86 - 95%	= $30,000 yearly

Step 3: Using a computerized formula delegates are allocated funds based on: Number of unduplicated Low Income Women Users ≤ 150% of poverty minus the Medicaid Users.

Step 4: Maternal Child Health (MCH) fund allocation is based on the percent of total allocable Title X funds that a delegate receives. For example, if an agency receives 10% of the total Federal Title X funds available through the funding formula they will receive 10% of the MCH funds available.